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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/297,784	07/07/1999	ROBERT SCHWARTZ	ASCOP039USNP	1253

7590 05/23/2003  
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425 POST ROAD  
FAIRFIELD, CT 06430

EXAMINER
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SONG, HOSUK

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 05/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.  
**09/297,784**

Applicant(s)  
**SCHWARTZ**

Examiner  
**HOSUK SONG**

Art Unit  
**2131**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Jul 7, 1999
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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### DETAILED ACTION

1. This application does not contain an abstract of the disclosure as required by 37 CFR

1.72(b). An abstract on a separate sheet is required.

### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilham(US 4,934,846) or Fougere et al.(US 4,743,747).

Claims 1,2: Gilham disclose franking machine with an encryption engine(fig.4#18). Gilham disclose obtaining encrypted code in portion processed by the encryption engine in (col.4,lines 18-33). RAM(fig.4#18). Fig.3 shows placing decrypted output in RAM. Fougere disclose encryption engine in (fig.1#22). Fougere disclose obtaining encrypted code in portion processed by the encryption engine in (col.6,lines 15-24). RAM (col.7,lines 33-36). Fig.4 shows placing decrypted output in RAM.

3 Claims 7,9 are rejected under 35 U.S.C. 102(b) as being anticipated by Piosenka et al.(US 5,389,738).

Claims 7,9: Piosenka disclose cryptographic circuit card comprising locating the resources to be protected within the Application Specified Integrated Circuit in (col.1,lines 10-67;col.6,lines 34-59).

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Usui (US 5,343,025).

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Usui disclose monitoring the amount of time a host controller is taking to complete a bus transaction and comparing the monitored amount of time to a predetermined reference time; refusing to permit completion of the bus transaction if the monitored amount of time exceeds the predetermined reference time in (col.5,line 5 - col.6,line 9).

***Claim Rejections - 35 USC § 103***

5        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6        Claims 3-6,8,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fougere et al.(US 4,743,747) in view of Pintsov(US 5,448,641) and further in view of Dolphin(US 5,457,746) or Usui (US 5,343,025).

Fougere teaches all of the limitation. Fougere does not disclose (a)using a signature and hash algorithms (b)monitoring the time taken to complete a transaction and (c)all in a PCMCIA environment.(d)zeroizing circuitry. Pintsov patent teaches calculating a digital signature with a hash in fig.2. It would have been obvious to person of ordinary skill in the art at the time invention was made to use digital signature disclosed in Pintsov with postage data disclosed in Fougere in order to assure the authenticity of postage accounting data. Fougere and Pintsov does not disclose monitoring the time taken to complete a transaction. Dolphin disclose this feature in

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(col.5,lines 41-56). Usui in (col.5,line 5- col.6, line 9). It would have been obvious to person of ordinary skill in the art to disclose time monitoring method taught in Dolphin/Usui with postage meter system disclosed in Fougere and Pintsov in order to prohibit unauthorized processing and prevent any repeated operations which can significantly slows down data processing speed. The examiner takes official notice that zeroizing circuitry is well known in the art especially in tamper resistant card. One of ordinary skill in the art would be motivated to use zeroizing circuit in the card because if there is an occurrence of tempering phenomenon zeroing circuit is capable of erasing a portion of the memory in order to safeguard its data against hackers. PCMCIA is disclosed by Dolphin (fig.2).

### *Conclusion*

7 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

a. Dyke (US 4,910,776) disclose encryption/decryption printed circuit boards with complete interface to a card reader.

b. Blumenthal et al.(US 5,784,460) disclose metering device or dongle to monitor data processing.

c. Nagel et al.(US 5,394,469) disclose decrypted data is stored in storage both temporary and archival storage where data may be read and copied by the user, as desired.

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8. Any inquiry concerning this communication should be directed to Ho S. Song whose telephone number is (703)305-0042. The examiner can normally be reached on Tuesday-Friday from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes can be reached on (703)305-9711.

Any inquiry of a general nature or relating to the status of this application or preceding should be directed to the Group receptionist, whose telephone number is (703)305-3900.

*Ho S. Song*

*Gail Hayes*  
GAIL HAYES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100